

1 Class Action Clerk
2 United States District Court for the Northern District of California
3 November 21, 2018
4 Page 1 of 24
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EDWARD W. ORR
DARLENE D. ORR
122 Ridge Road
Terryville, CT 06786

Sent via certified mail 7017 2680 0000 9161 6817

November 21, 2018

Class Action Clerk¹
U.S. District Court for the
Northern District of California
280 South 1st Street, Room 2112
San Jose, CA 95113

**SUBJECT: OBJECTION AND COMMENTARY OF
EDWARD AND DARLENE ORR
REGARDING THE PROPOSED
SETTLEMENT (in “In re: Yahoo! Inc.
Customer Data Breach Security Litigation,
Case Number 16-md-02752-LHK”)**

**(ADDITIONAL REQUISITE DETAILS,
INCLUDING, BUT NOT LIMITED TO,
NAME, ADDRESS, CONTACT INFOR-
MATION, REASONS FOR OBJECTION,
ETC., ARE SHOWN BELOW)**

¹ We are Settlement Class Members, and our objection is
being sent via certified mail (in addition, please note that
our signatures are notarized):

Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 2 of 24

Dear Sir or Madam:

I. INTRODUCTION AND BACKGROUND

We are objecting to the proposed settlement, and pursuant to procedures, submit this letter and Objection/Commentary, including, but not limited to, the following introductory information:

A. NAME AND CASE NUMBER OF THIS LAWSUIT:

“In re: Yahoo! Inc. Customer Data Breach Security Litigation,
Case Number 16-md-02752-LHK”

**B. FULL NAME AND MAILING ADDRESS, AND EMAIL
ADDRESS AND TELEPHONE NUMBER:**

Mailing address:

EDWARD W. ORR
DARLENE D. ORR
122 Ridge Road

1 Class Action Clerk
2 United States District Court for the Northern District of California
3 November 21, 2018
4 Page 3 of 24

5 Terryville, CT 06786

6 Email address: eanddorr2@gmail.com

7 Phone Number: (203) 565-5670

8
9
10 C. AN EXPLANATION OF WHY WE BELIEVE WE ARE
11 SETTLEMENT CLASS MEMBERS:
12

13
14 We had multiple Yahoo! accounts and suffered numerous damages
15 from multiple data breaches (many of which also greatly affected
16 ADT and/or other systems).
17

18
19 Please see attached Exhibits "A" – "J," the latter of which ("Exhibit
20 J") includes both the printed materials following the associated tab,
21 and also the numerous additional materials contained on one (256
22 GB) flash drive contained in this certified shipment to you.
23
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Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 4 of 24

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4 Please note, also, that “Exhibit I” is a pertinent court transcript from
5 a Yahoo-related case (involving interrelationships with ADT), in
6 which the undersigned suffered numerous damages interrelated with
7 the data breach/hacking parameters of the instant Yahoo! case. This
8 is mentioned here for a variety of reasons, not the least of which is to
9 clarify the quite germane point that our objection in the instant case
10 is integrally related to certain interlinked parameters of the
11 aforementioned ADT case.
12
13
14

15
16 In “Exhibit I” it was noted by the renowned attorney representing us
17 in the ADT case that the Jewish Federation of Northern California
18 had suggested that he work with the undersigned.
19

20
21 The ADT case involved not only interlinked Yahoo and ADT
22 parameters, but also potentially different treatment of the
23 handicapped within the confines of the class action settlement, etc.
24
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Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 5 of 24

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4 Accordingly, the attorney took the case, and Judge Jon S. Tigar
5 himself commended the attorney more than once for doing so,
6 including in the following exchange in Court (page 46 of the
7
8 aforementioned exhibit):
9

10
11 Mr. Winick, let me say something. It's in
12 part for your benefit, but it's also for the
13 benefit of everyone else if in the courtroom,
14 including the member of the public who is
15 sitting there.
16
17

18
19 I don't know what's going to happen with
20 this objection. But I admire you for taking
21 this case on pro bono after getting a phone
22 call from an organization you trust..."
23
24

25
26 Judge Jon S. Tigar to our Counsel [2-
27 1-18/p. 46 of the attached transcript].
28

Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 6 of 24

Judge Tigar also mentioned, with great respect, other aspects of the Jewish Federation's rightful involvement in the case.

The above is mentioned for a variety of reasons.

One reason involves the fact that the interlocking parameters of the ADT case and the instant Yahoo! are such that the Yahoo! case parameters made the ADT case more difficult to present per se.

Accordingly, the instant case (involving Yahoo!) is obviously better suited – thus the submission of the instant objection of the undersigned in this certified transmission to you.

Another reason involves the fact that, as shown in both the Yahoo! attachments and in the related ADT case, hacking-associated anti-Semitic threats and other actions occurred.

Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 7 of 24

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4 Once again, Judge Tigar made it exceedingly clear that claims such
5 as those arising from actions perpetrated against the undersigned are
6 important.
7

8
9 They should not be overlooked or underestimated.
10

11
12 And, furthermore, they should be heard fully in court.
13

14
15 In fact, Judge Tigar made several additional – and very pertinent
16 statements – to our Counsel, as shown below:
17

18
19 THE COURT: Are you representing Mr. Orr on a pro
20 bono basis because the Jewish Federation thought you
21 might do that? They just called you?
22

23
24 MR. WINICK: Yes.
25
26
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Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 8 of 24

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5 **THE COURT: You take all the time**
6
7 **you need.**
8

9
10 Judge Jon S. Tigar to our Counsel [2-
11
12 1-18/p. 7 of the attached transcript;
13 [Underlining and emphasis sup-
14 plied].
15

16
17
18
19 **D. REASONS FOR YOUR OBJECTION OR COMMENT:**
20

21 Please see Exhibits "A" – "J."
22

23
24 One of the primary reasons is that the conditions encountered
25 by the handicapped, including, but not limited to, the
26 undersigned, are such that THERE SHOULD BE NO
27
28

Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 9 of 24

LIMITATION IN REGARD TO REIMBURSEMENT FOR
HOURS SPENT BY INJURED PARTIES.

There should be absolutely no limitation at all to the number
of hours (see especially Exhibit "H").

In addition, there should be no limitation to physical, mental,
emotional, and related damages.

The proposed settlement should be rejected.

Once again, please see Exhibits "A" – "J."

Counsel for both sides find themselves on a slippery slope.

Each, however, stands to unfairly gain several million dollars
in benefit.

Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 10 of 24

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3 No doubt the defendant is anxious to purchase *res judicata* in the
4 broadest possible scope at the cheapest price, via improperly
5 lumping together the disparately large claims of the handicapped
6 claims that are in effect barred because of the aforementioned time
7 limitations.
8
9

10
11 This is not fair.
12

13
14 There is no viable reason to define the class(es) so broadly and
15 thereby bar the disparately large claims of the handicapped.
16

17
18 1. No reason was proffered in the moving papers as to why the
19 settlement is not limited to the non-handicapped individuals.
20

21
22 2. Here, a significant portion of the claims have disproportionately
23 large claims that are blocked by the settling parties' choice to define
24 the class so broadly.
25
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Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 11 of 24

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3 3. The inappropriate size and definition of the class renders the
4 settlement, as drafted, inadequate and unreasonable. Importantly, as
5 Judge Spatt has observed:
6

7
8
9 Once a court determines that class certification is
10 appropriate, “[t]he next question is whether the
11 definition of the class proposed by [the] plaintiff[] ... is
12 an appropriate one.” *Brooklyn Ctr. For Independence*
13 *of the Disabled v. Bloomberg*, 287 F.R.D. 240, 250
14 (S.D.N.Y.2012). In this regard, “[u]nder rule 23,
15 district courts have the power to amend class
16 definitions or decertify classes as necessary....
17

18
19
20
21
22 ‘In fact, the court has a duty to ensure that the class is
23 properly constituted and has broad discretion to modify
24 the class definition as appropriate to provide the
25 necessary precision.” *Id.* (quoting *Morangelli v.*
26
27
28

Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 12 of 24

Chemed Corp., 275 F.R.D. 99, 114 (E.D.N.Y.2011)).

[Underlining supplied.]

Diaz v. Residential Credit Solutions, Inc.,
297 F.R.D. 42, 54-55 (E.D.N.Y. 2014)
(modifying the definition of the class
where the Court determined the class to
be “overinclusive”).

4. In any case, a broad release of non-disclosure and/or related claims
is by no means fair, reasonable, or adequate, nor is it a superior
means of resolution as required by Rule 23.

5. Rather, this settlement is a paradigm bad settlement for consumers.

6. The undersigned and other handicapped members² deserve
substantially more.

² Several percent of the population are handicapped; see exhibits for more information.

Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 13 of 24

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4 7. Respective Counsels (both Plaintiff and Defendant) should go back
5 to the drawing board, and start over by stratifying the awards via
6 whether or not the customer was handicapped.
7

8
9 a. The respective Counsels should not be
10 allowed to remain derelict in their duties
11 to properly recognize and reimburse the
12 handicapped who suffered substantially
13 differential damages.
14
15

16
17 b. Furthermore, one should not be too quick
18 to jump to the erroneous conclusion that,
19 just because numerous (or even more than
20 one) handicapped persons might not send
21 in an objection to the Court, that such
22 handicapped (and differently handled,
23 etc.) persons are not out there – and in
24 great numbers, too.
25
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Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 14 of 24

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5 c. IT IS THE DUTY OF PLAINTIFFS'
6 COUNSEL TO DEFINE, IDENTIFY
7 AND TAKE INTO ACCOUNT THE
8 NUMBER AND LOCATION
9
10 OF SUCH INDIVIDUALS.

11
12
13 PLAINTIFFS' COUNSEL HAS NOT
14 DONE THIS.

15
16
17 THE PROPOSED SETTLEMENT IS
18 NOT FAIR, REASONABLE OR
19 ADEQUATE.
20
21

22
23 d. IT IS ALSO THE DUTY OF
24 PLAINTIFFS' COUNSEL TO DEFINE,
25 IDENTIFY, AND TAKE INTO
26 ACCOUNT THE SPECIAL NEEDS OF
27
28

Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 15 of 24

1
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3 SUCH INDIVIDUALS, AS RELATED
4 TO A CLASS ACTION SUIT.
5

6
7 PLAINTIFFS' COUNSEL HAS NOT
8 DONE THIS EITHER.
9

10
11 THE PROPOSED SETTLEMENT IS
12 NOT FAIR, REASONABLE OR
13 ADEQUATE.
14
15

16
17
18 e. After all, who and what are the
19 handicapped? Are they capable of taking
20 to the streets and/or (independently and/or
21 in the same manner as non-handicapped
22 persons) sitting down at the computer and
23 communicating with the Court?
24
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Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 16 of 24

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3 f. More often than not, they are not capable
4 of fending for themselves (the
5 undersigned Edward Orr certainly cannot
6 do so, and only through the assistance of
7 family and friends is this communication
8 to you made possible); nor do most of
9 them have the family and friends who can
10 do such things as submit, even as laymen,
11 an objection to the Court.
12
13
14

15
16 g. It is very easy to deny the handicapped
17 their day in Court, and many of us,
18 handicapped or not, can indeed remember
19 when the physical barriers of public
20 sidewalks, buildings, bathrooms, and
21 related were constructed in such a manner
22 as to deny the handicapped their rights.
23
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Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 17 of 24

h. Denying the handicapped access to the justice they deserve in the Instant class action suit is no different from making the doors to the Courtroom six inches more narrow than a wheelchair.

E. A STATEMENT IDENTIFYING THE NUMBER OF CLASS ACTION SETTLEMENTS THAT YOU HAVE OBJECTED TO IN THE LAST THREE YEARS:

As described above, and for the reasons explained therein, we objected in one other case (ADT), a case which was integrally related to the Yahoo! account hacking that occurred to us.

F. WHETHER YOU INTEND TO PERSONALLY APPEAR AND/OR TESTIFY AT THE FINAL APPROVAL HEARING:

Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 18 of 24

Health permitting, the undersigned intend to appear if at all possible.

G. THE NAME AND CONTACT INFORMATION OF ANY AND ALL ATTORNEYS REPRESENTING, ADVISING, OR ASSISTING YOU, INCLUDING ANY COUNSEL WHO MAY BE ENTITLED TO COMPENSATION FOR ANY REASON RELATED TO YOUR OBJECTION OR COMMENT:

None.

H. Whether any attorney will appear on your behalf at the Final Approval Hearing, and if so the identity of that attorney:

Multiple attorneys have indicated interest in possibly appearing on our behalf, but it is unknown at this point in time which attorney, if any, may be able to appear for us.

Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 19 of 24

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4 I. THE IDENTITY OF ANY PERSONS WHO WISH TO BE
5 CALLED TO TESTIFY AT THE FINAL APPROVAL HEARING:
6
7

8 At this point, the complete answer to this particular question
9 is unknown, but if, health permitting, the undersigned are able
10 to appear, then the undersigned will testify.
11

12
13 Other individuals may also be available for testimony.
14
15

16
17 J. YOUR HANDWRITTEN OR ELECTRONICALLY IMAGED
18 WRITTEN (E.G. "DOCUSIGN") SIGNATURE. AN
19 ATTORNEY'S SIGNATURE, OR A TYPED SIGNATURE, IS
20 NOT SUFFICIENT:
21
22

23
24 Our notarized signatures are contained at the end of this cover letter.
25
26
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Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 20 of 24

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3 Not only do our individual voices deserve to be heard, but the voices
4 of other handicapped individuals deserve equally to be heard.³
5

6
7 Once again (and Judge Tigar himself did not hesitate to repeatedly
8 express his support for the voicing of our particular type of
9 objection), claims such as those arising from actions perpetrated
10 against the undersigned are indeed important.
11

12
13 They should not be overlooked or underestimated.
14

15
16 And, furthermore, they should be heard fully in court.
17

18
19 One or more members of The Jewish Braille Institute have also
20 expressed support.
21

22
23
24 ³ Please note that this submission is part of our overall submission, as additional documents
25 and information will be filed by the undersigned. In addition, it is important to note that ECF
26 documents 333, 335, 337 (and redacted attachments, etc., which resulted in a very
27 unfortunate lack of transparency in regard to class members' rights to information, including
28 information impacting objections, etc.) and/or related, et al, served as important
considerations in this filing.

Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 21 of 24

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2
3 The undersigned are also appreciative of the support of numerous
4 others, including one or more patent attorneys and/or associated
5 personnel who had been instrumental in helping ascertain various
6 Yahoo-hacking-related damages, as one of the undersigned (Edward
7 W. Orr) holds global patents, one or more of which served as part of
8 the focus of hacking and intrusion attempts.
9
10

11
12 In addition, the undersigned are also appreciative of one or more
13 publishing company personnel who had been instrumental in helping
14 ascertain various Yahoo-hacking-related damages, as numerous
15 background materials from several technical publications authored
16 by one of the undersigned also served as part of the focus of hacking
17 and intrusion attempts.
18
19

20
21 Appreciation is also expressed to numerous computer forensics
22 personnel.
23
24

25
26 The composite efforts of the above – and of others – have allowed
27 the undersigned to proceed within the spirit and intent of Judge
28

Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 22 of 24

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2
3 Tigar's commentary, especially given the hacking-associated anti-
4 Semitic threats and other actions.
5

6
7 In addition, and within the context of the instant submission to the
8 Court, it is important to emphasize that differential damages
9 occurred in regard to the handicapped, and therefore the proposed
10 settlement should be rejected.
11

12
13 Once again, Judge Tigar made it exceedingly clear that claims such
14 as those arising from actions perpetrated against the undersigned are
15 important.
16


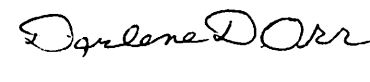
17
18
19 They should not be overlooked or underestimated.
20

21
22 And, furthermore, they should be heard fully in court.
23

24
25 Please note that the remainder of this
26 page has been left intentionally blank,
27 expressly in order to conform to
28 notarial requirements affecting the
following page.

Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 23 of 24

Sincerely,

Edward W. Orr Darlene D. Orr

122 Ridge Road
Terryville, CT 06786
Telephone: 203-565-5670
Email: eanddorr2@gmail.com

CRS/DDO:fw927435481r

Enc.: As described herein

State of Connecticut⁴

County of Hartford ss. (Town/City)

On this the 21 day of NOV, 20 18, before me, Corey O'Connor, the under-
signed officer, personally appeared Edward W. Orr and Darlene D. Orr

known to me (or satisfactorily proven) to be the persons whose names are subscribed
to the within instrument and acknowledged that they executed the same for the
purposes therein contained.

In witness whereof I hereunto set my hand.



Signature of Notary Public

Date Commission Expires: 7/3/22

cc: Social Security Administration (prm)
 Harvard Medical School/EW (prm)

⁴ Note: Owing to notarial regulations and/or signing space requirements (there is not enough
space on the signature and/or notary page(s)/section(s) for the entire carbon copy [cc] list to
simultaneously appear), part or all of the carbon copy list necessarily follows the signature
and/or notary page(s)/section(s) in this document.

Class Action Clerk
United States District Court for the Northern District of California
November 21, 2018
Page 24 of 24

Yale Medical School/DK (prm)
University of Conn. Medical School/J.Cannon Ref. EWO/3063(prm)
Reliance Standard (prm)
General Accident (prm)
Zurich, Int./MR (prm)
Simplex/MR (prm)
The Hartford/BC (prm)
SF/DC Trust (prm)